

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JORDAN KUSHNER,

Plaintiff,

Case No. 17-cv-10072

v.

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

NANCY A. BERRYHILL, ACTING
COMMISSIONER OF THE SOCIAL
SECURITY ADMINISTRATION,

UNITED STATES MAGISTRATE JUDGE
R. STEVEN WHALEN

Defendant.

_____ /

ORDER GRANTING STIPULATED MOTION FOR REMAND [14]

Pending before the Court is a Stipulated Motion for Remand Under Sentence

Six of 42 U.S.C. § 405(g). The sixth sentence in § 405(g) states:

The court may, on motion of the Commissioner of Social Security made for good cause shown before the Commissioner files the Commissioner's answer, remand the case to the Commissioner of Social Security for further action by the Commissioner of Social Security...

42 U.S.C.A. § 405(g). "[A] missing or incomplete file may constitute good cause to remand the claim to the Commissioner to produce the record." *Gonzales v. Comm'r of Soc. Sec.*, No. 08-14547, 2009 WL 3562621, at *1 (E.D. Mich. Oct. 28, 2009) (Cox, J.) (citing H.R.Rep. No. 96-944, 96th Cong., 2d Sess. 59 (1980)).

In this case, the Commissioner cannot locate the Plaintiff's claim file. Accordingly, the Court finds good cause and hereby GRANTS the Stipulated Motion for Remand [14]. This action is hereby REMANDED to Commissioner of Social Security pursuant to the sixth sentence of § 405(g) to diligently search for and locate the Plaintiff's claims file.

SO ORDERED.

Dated: June 19, 2017
Detroit, MI

/s/Gershwin A Drain
HON. GERSHWIN A. DRAIN
United States District Court Judge

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, June 19, 2017, by electronic and/or ordinary mail.

/s/Tanya Bankston
Case Manager, (313) 234-5213